

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

JUNE 14, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, June 14, 2011 at 3:16 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable Michael J. Bond, Vice-Chair
The Honorable C. T. Martin
The Honorable Keisha Lance Bottoms
The Honorable Joyce Sheperd
The Honorable Alex Wan**

The following member was present:

The Honorable Yolanda Adrean

Others present at the meeting were: Deputy City Attorney Eric Richardson, Gwen Burns and Amber Robinson, Law Department; Deputy Chief Shawn Jones, Police Department; Judge Crystal Gaines, Raines Carter, Solicitor, Rosalie Joy, Public Defender, Christopher Patterson, Court Administrator, Municipal Court; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:16 p.m. after declaring a quorum present. He then proceeded with the following order of business:

A. ADOPTION OF MINUTES - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

11-R-0867 (1) Claim of **Stephen Stiglicz (DPRCA/06)**, for damages alleged to have been sustained as a result of a tree falling onto his property on September 12, 2010 at 1114 Reeder Circle.

\$614.68

Public Safety and Legal Administration Minutes
June 14, 2011
Page Two

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0868 (2) Claim of **Tiffany Austin (DWM/03)**, for damages alleged to have been sustained as a result of driving over an improperly repaired construction site on February 15, 2011 at 1247 Donald L. Hollowell Parkway. **\$766.33**
- 11-R-869 (3) Claim of **William McGill (APD/02)**, for bodily injuries alleged to have been sustained from an automobile accident on May 20, 2010 at Martin Luther King, Jr. Drive and Central Avenue. **\$12,500.00**

Claims with unfavorable recommendations:

- 11-R-0871 (4) Claim of **Haylene Green (DWM/04)**, for damages alleged to have been sustained as a result of driving over an uncovered manhole on July 31, 2010 at Donnelly Avenue and Beecher Street.
- 11-R-0872 (5) Claim of **Brenda Burch (DPW/05)**, for damages alleged to have been sustained as a result of a vehicular accident on March 28, 2011 on Arizona Avenue and LaFrance Avenue.
- 11-R-0873 (6) Claim of **Georgia Farm Bureau Insurance Company, as subrogee of Shaun Johnson, through its attorney, Ronald W. Parnell (APD/02)**, for damages alleged to have been sustained as a result of a vehicular accident on October 13, 2009 at Peachtree Street near Mitchell Street.
- 11-R-0874 (7) Claim of **William Mamrack (NA/07)**, for damages alleged to have been sustained as a result of driving over a pothole on March 17, 2011 at Interstate 85 ramp at Monroe Drive.
- 11-R-0875 (8) Claim of **Rachel Dampier, through her attorney, Duncan Harle (NA/04)**, for damages alleged to have been sustained as a result of a damaged ceiling on April 13, 2011 at 879 Victoria Place.

Public Safety and Legal Administration Minutes
June 14, 2011
Page Three

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0876 (9) Claim of **Gary Brooks, through his attorney, Scott Harrison (NA/09)**, for damages alleged to have been sustained as a result of a vehicular accident on October 25, 2010 at South Elizabeth Place at Donald Lee Hollowell Parkway.
- 11-R-0877 (10) Claim of **Hazel Roberts (DWM/04)**, for damages alleged to have been sustained as a result of driving over an uncovered manhole on July 31, 2010 at Donnelly Avenue and Beecher Street.
- 11-R-0878 (11) Claim of **Towana Lauralian, through his attorney, Marvin Arrington (JUD/02)**, for damages alleged to have been sustained as a result of an arrest due to an outstanding bench warrant on May 11, 2010 at 150 Garnett Street.
- 11-R-0879 (12) Claim of **Yolanda Covington, through her attorney, Angie Walton (NA/01)**, for damages alleged to have been sustained as a result of a trip and fall incident on February 7, 2011 at 600 Martin Street.
- 11-R-0880 (13) Claim of **Ernest Hampton (NA/12)**, for damages alleged to have been sustained as a result of driving over a storm sewer drain on February 2, 2011 at Metropolitan Parkway near Claire Drive.
- 11-R-0881 (14) Claim of **Chrystale Wilson (NA/NA)**, for damages alleged to have been sustained as a result of driving over a pothole on March 5, 2011 at Atlanta Road at Pine Street.
- 11-R-0882 (15) Claim of **Alan Baitcher, through his attorney, Marvin Arrington (JUD/02)**, for damages alleged to have been sustained as a result of an arrest on July 27, 2010 at 150 Garnett Street.
- 11-R-0883 (16) Claim of **People TV c/o Teddy Lewis (DWM/02)**, for damages alleged to have been sustained during the relocation of a water meter between July 2, 2009 and July 7, 2009 at 190 14th Street, NW.

Public Safety and Legal Administration Minutes
June 14, 2011
Page Four

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0884 (17) Claim of **People TV c/o Rebecca Hernandez (DWM/02)**, for damages alleged to have been sustained as a result of a sewer backup between March, 2008 and December 2008 at 190 14th Street, NW.
- 11-R-0885 (18) Claim of **Jennifer C. Rankin (DWM/07)**, for damages alleged to have been sustained during the repair of a water meter on March 20, 2008 at 277 Lakeview Avenue, NE.
- 11-R-0886 (19) Claim of **Jerry Jones, through his attorney, Sam L. Starks (DWM/03)**, for damages alleged to have been sustained as a result of storm water overflow between September 26, 2010 and March 15, 2011.
- 11-R-0887 (20) Claim of **Ruby Rhodes, through her attorney, Audrey Tolson (DPW/10)**, for damages alleged to have been sustained as a result of being struck by a Cobb County Transit vehicle on January 19, 2011 at Martin Luther King, Jr. Drive at H. E. Holmes Drive.
- 11-R-0888 (21) Claim of **Christopher Blaise (DWM/12)**, for damages alleged to have been sustained as a result of driving over a raised manhole on March 11, 2011 at 3613 Oakshire Way.
(Councilmember Wan made a motion to approve Items C1-C21)

FAVORABLE

D. ORDINANCE FOR FIRST READING

- 11-O-0931 (1) An Ordinance by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Fire Rescue, to accept a grant from the U. S. Department of Homeland Security under the FY2010 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$9,793,068.00 for the purpose of hiring 75 new Firefighter positions; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

E. COMMUNICATION

- 11-C-0864 (1) A Communication from Cathy Richards, President, Atlanta Planning Advisory Board, to Municipal Clerk Rhonda Dauphin Johnson, submitting **Ms. Drewnell Thomas** as their representative to serve as a member of the License Review Board. This appointment is scheduled to begin on the date of Council confirmation.
(Councilmember Bond made a motion to file.)

FILE – REFERRED TO COMMITTEE ON COUNCIL

F. ORDINANCES FOR SECOND READING

- 11-O-0827 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Fund Budget) by adding to anticipations and appropriations in the amount of \$93,000.00 from the Office of National Drug Control Policy (“ONDCP”), for the purpose of establishing an Administration Project to cover partial cost for the Department of Finance in the Administration of the High Intensity Drug Trafficking Area Program (HIDTA) and to transfer the Contract Coordinator Position from and to the PATEO Project Numbers listed; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 11-O-0938 (2) An Ordinance by Councilmembers Keisha Lance Bottoms, Ivory L. Young, Jr., C. T. Martin and H. Lamar Willis to amend Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia, to increase the number of Municipal Court Judges from eight (8) to ten (10); to waive conflicting ordinances; and for other purposes.
(Councilmember Martin made a motion to approve.)

**FAVORABLE (3 YEAS) YOUNG, MARTIN, LANCE
BOTTOMS, (1 NAY) WAN, (1 ABSTENTION) BOND**

Public Safety and Legal Administration Minutes
June 14, 2011
Page Six

ORDINANCES FOR SECOND READING (CONT'D)

- 11-O-0939 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Chapter 98, Article II, Division 2, Section 98-70 (Qualifications for Eligibility) and Chapter 114, Article IV, Division 7, Subdivision II, Section 114-236, (Minimum Qualifications to Compete), so as to increase the number of years of continuous service as a sworn member of the Department of Police must possess before they are eligible to compete for the rank of Police Sergeant from three years to five years; to further amend Section 114-236 to include more specific descriptions of the appropriate City department wherein years of service must be completed in order for members to be eligible to compete for certain promotions; to repeal conflicting ordinances; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 11-O-0940 (4) An Ordinance by Councilmember C. T. Martin to waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances of the City of Atlanta, Georgia so as to modify the Hours of Operation on Monday, July 4, 2011 (Independence Day), only, for all licensed establishments authorized to sell alcoholic beverages for on premises consumption; and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

- 11-O-0946 (5) An Ordinance by Councilmember Ivory L. Young, Jr. to amend the Code of Ordinances of the City of Atlanta, Georgia by amending Section 162-61(a) so as to extend temporarily the maximum allowable age of taxicabs; to waive conflicting ordinances; and for other purposes.
(Councilmember Young made a motion to hold.)

HELD

Public Safety and Legal Administration Minutes

June 14, 2011

Page Seven

G. RESOLUTIONS

- 11-R-0870 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Michael Ellis v. City of Atlanta, Georgia, Civil Action File No. 2010-CV-182963, Fulton County Superior Court, in the total amount of \$72,500.00; authorizing said payment to be paid from the Fund, Center Number and Account listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

(Councilmember Wan made a motion to approve.)

FAVORABLE

- 11-R-0911 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Maintenance Agreement with Oracle America, Inc., pursuant to the State of Georgia Contract GS-35F-0009T, for Database and Maintenance Support, on behalf of the Municipal Court of Atlanta for a period of one (1) year in FY12, in an amount not to exceed \$44,395.00; all costs to be charged to the Fund, Department, Account, and Function Activity listed; and for other purposes.

(Councilmember Wan made a motion to approve.)

FAVORABLE

- 11-R-0912 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Maintenance Agreement with Advanced Public Safety, pursuant to the State of Georgia Contract GS-35F-0009U, for Software Maintenance Support, on behalf of the Municipal Court of Atlanta for a period of one (1) year in FY12, in an amount not to exceed \$36,000.00; all costs to be charged to the Fund, Department, Account, and Function Activity listed; and for other purposes.

(Councilmember Wan made a motion to approve.)

FAVORABLE

Public Safety and Legal Administration Minutes
June 14, 2011
Page Eight

RESOLUTIONS (CONT'D)

- 11-R-0913 (4) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Maintenance Agreement with Courtview Justice Solutions, pursuant to FC-6004007843, Automated Court Case Management System, on behalf of the Municipal Court of Atlanta for a period of one (1) year in FY12, in an amount not to exceed \$155,456.00; all costs to be charged to the Fund, Department, Account, and Function Activity listed; and for other purposes.
(Councilmember Wan made a motion to approve.)

FAVORABLE

- 11-R-0914 (5) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the City of Atlanta Municipal Court, to execute temporary service contracts with sixteen (16) retired City of Atlanta ("City") Police Officers and four (4) DSI Security Officers, for the purpose of providing Professional Security Services at the Municipal Court of Atlanta for a period of one (1) year in FY12, in an amount not to exceed \$742,093.00. All costs to be charged to the Fund, Department, Account, and Function Activity listed; and for other purposes.
(Councilmember Wan made a motion to approve on condition that the Court Administrator verify the dollar amount.)

FAVORABLE ON CONDITION

- 11-R-0916 (6) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Maintenance Agreement with CourtSmart Digital Systems, pursuant to the State of Georgia Contract GS-03F-8028H, for Video Recording Software, on behalf of the Municipal Court of Atlanta for a period of one (1) year in FY12, in an amount not to exceed of \$50,000.00; all costs to be charged to the Fund, Department, Account, and Function Activity listed; and for other purposes.
(Councilmember Wan made a motion to approve.)

FAVORABLE

Public Safety and Legal Administration Minutes
June 14, 2011
Page Nine

RESOLUTIONS (CONT'D)

- 11-R-0917 (7) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor and Chief Financial Officer to transfer Funds from Fund 1001.230201.5111003.3520000 (General Fund) to Fund 5502.000002.3921001.0000000 (Enterprise Fund) in the amount of \$8,000.00 on behalf of the Department of Fire Rescue for the purpose of purchasing two used fire apparatus to enhance the Department's Reserve Fleet; and for other purposes.
(Councilmember Young made a motion to file.)

FILE

- 11-R-0936 (8) A Resolution by Councilmembers Michael J. Bond, Joyce Sheperd, Alex Wan, Aaron Watson, H. Lamar Willis, Keisha Lance Bottoms, Ivory L. Young and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish the City of Atlanta Alcohol Technical Advisory Group II (ATAG II) for the purpose of performing a complete and comprehensive review of the City of Atlanta's Alcohol Beverage Licensing process and the enforcement of the laws pertaining to the licensing, sale and regulation of alcoholic beverages in the City of Atlanta; as a result of its review, for ATAG II to provide recommendations to the Mayor and City Council within six (6) months of its first meeting; and for other purposes.
(Councilmember Bond made a motion to approve as amended.)

FAVORABLE AS AMENDED

Public Safety and Legal Administration Minutes
June 14, 2011
Page Ten

H. PAPERS HELD IN COMMITTEE

- 10-R-0137 (1) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**
- 10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)**
- 10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review)**
- 10-O-0728 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts holding permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review)**
- 10-R-0855 (5) Claim of Ron Tusso, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**

Public Safety and Legal Administration Minutes
June 14, 2011
Page Eleven

PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1173 (6) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review)**
- 10-O-1342 (7) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**
- 10-R-1343 (8) A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**

Public Safety and Legal Administration Minutes
June 14, 2011
Page Twelve

PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1809 (9) An Ordinance by Councilmembers Kwanza Hall and Natalyn Archibong to create a new Division 3 (To be entitled "Street Food Vending Program") of Article XXIII ("Vending on Public Property") of the Code of Ordinances of the City of Atlanta, Georgia which Division shall provide the regulatory framework by which street food vending in the City of Atlanta shall be governed, including but not limited to, the creation of street food vending sites, rules and regulations, and the criteria for the issuance of permits and the cost thereof; to waive conflicting ordinances; and for other purposes. **(Held 10/12/10, for further review)**
- 10-R-1813 (10) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes. **(Held 10/12/10, at the request of the author.)**
- 10-O-1880 (11) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**
- 10-O-2228 (12) An Ordinance by Councilmember H. Lamar Willis as amended by Public Safety and Legal Administration Committee amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.) (Amended and held 3/1/11)**

Public Safety and Legal Administration Minutes
June 14, 2011
Page Thirteen

PAPERS HELD IN COMMITTEE (CONT'D)

- 11-R-0535 (13) A Resolution by Councilmember C. T. Martin authorizing the settlement and payment of all claims for compensation in an amount to be determined, to the following City of Atlanta Parking Enforcement Officers who allege that the City wrongfully terminated their employment by failing to follow its ordinances and procedures governing reduction in force (RIF); Lamar J. Singleton, Bobby Asbury, Tina Nealous, Kareema Aziz, Wayne Norris, Shoronda Williams and Dadriko Lindsey; to authorize the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Held 3/29/11 for further discussions)
- 11-R-0772 (14) A Resolution by Councilmembers Michael J. Bond and Ivory Lee Young, Jr. to amend the Contract with U. K. - LaSalle LLC, (an entity affiliated with General Growth Properties, Inc.) for the Administration and Management of the Public Vending Program, so as to grant a first right of refusal to vendors who currently hold vending permits or who formerly held vending permits as of November 21, 2001, for vending locations around Turner Field; and for other purposes.
(Held 5/10/11 for further discussions)

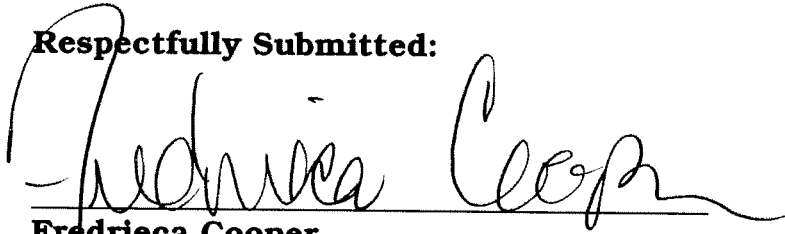
I. FOLLOW-UP ITEMS

1. Councilmember Young requested that David Bennett make a report to the committee related to the Vending contract at each committee meeting.
2. Councilmember Sheperd requested that David Bennett provide a report on General Growth Properties' current Kiosks at the June 14, 2011 meeting.
3. Councilmember Sheperd requested that the City Attorney present a report on General Growth Properties' contract at the June 14, 2011 meeting.

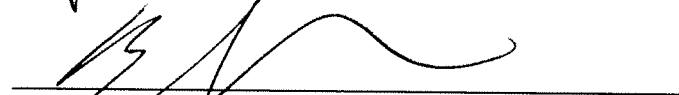
Public Safety and Legal Administration Committee Minutes
June 14, 2011
Page Fourteen

There being no further business to come before the Committee, the meeting was adjourned at 5:05 p.m.

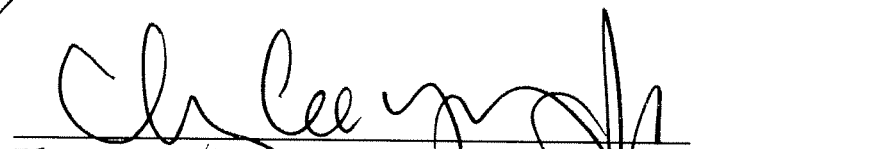
Respectfully Submitted:



Fredrica Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



The Honorable Ivory L. Young Jr., Chair
Public Safety and Legal Administration Committee